

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).334/2016  
Complainant/ Appellant : Shri Anil Kr. Koriya  
Respondent : Institute of Hotel Management, Guwahati  
Date of hearing : 08.9.2016  
Complaint/ Second : Shri H. S. Das, IAS (Rtd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

08.9.2016

1. The petitioner Shri Anil Kr. Koriya is present. The public authority is represented By Smti. Puspanjali Gogoi Baruah, SPIO of the Institute of Hotel Management, Guwahati accompanied by Shri Mrinal Kalita, Sr. Assistant of the Institute.

Before taking up the second appeal petition dated 16.5.16 the Commission wanted to know whether the Institute of Hotel Management (IHM), Guwahati will fall within the purview of the Assam Information commission or Central Information Commission. The SPIO of IHM, Guwahati stated that on earlier occasions they appeared before the Assam Information Commission for RTI matters. She also submitted that the land for the IHM, Guwahati was provided by the Government of Assam, while its financial requirements are met by the Ministry of Tourism, Govt. of India. She submitted that the IHM is run by a Society registered under the Societies Act, 1860 with the senior most Secretary of the Tourism Department, Govt. of Assam as chairman of the Society. The Board of Governors of the Society includes other Assam Government nominees also. The petitioner/appellant has also approached this Commission with his RTI petition.

2. In view of the above, it appears that IHM, Guwahati can be deemed to be a public authority u/s 2(h) of the RTI Act, both under Central Information Commission as well as under the State Information Commission. Since the petitioner/appellant has approached this Commission by his second appeal petition dated 16.5.16, it is decided to take up his second appeal petition for hearing in presence of both the parties.

3. It appears from the case records that the petitioner/appellant was placed under suspension with effect from 12.2.16 by his disciplinary authority on the basis of a preliminary report by the IHM, Guwahati's Internal Complaint Committee on Sexual Harassment of Women at Work Place. The petitioner filed an RTI petition dated 25.2.16 before the PIO and the Administrative Officer of IHM, Guwahati seeking four specific informations under the RTI Act. The PIO replied to the RTI petition vide her letter dated 22.3.16. Not satisfied with the

reply received, the petitioner filed a first appeal petition before the Chairman of the IHM, Guwahati.

4. From the case records it is seen that the Chairman of the IHM, Guwahati did not hear or pass any order on the first appeal petition, instead the Deputy Secretary of the Tourism Department, Govt. of Assam wrote a letter dated 28.4.16 to the appellant enclosing a letter dated 21.4.16 of Principal of IHM. In short the first appeal petition was not heard and no order was passed by the FAA.

5. The SPIO of IHM, Guwahati has filed a written submission dated 7.9.2016 detailing the actions taken by the IHM. The WS is entered into the case records. The Administrative Officer and the SPIO of IHM, Guwahati submitted that the Principal of the IHM is the FAA. It appears that there has been lapse on the part of the FAA in that he failed to hear and pass any order on the first appeal petition dated 28.3.16. The Chairman of IHM, Guwahati also does not appear to advised the Principal of IHM to hear and dispose of the first appeal petition. The Deputy Secretary, Tourism Department's letter dated 28.4.16 to the petitioner does not show any effort to deal properly with the first appeal petition. Not getting satisfactory response to the first appeal petition, the petitioner has now approached this Commission with the second appeal petition dated 16.5.16.

6. From perusal of the reply already furnished to the petitioner by the SPIO vide her letter dated 22.3.16 and as agreed by the petitioner before this Commission today, he has been furnished with the required information in response to his RTI petition dated 25.2.16 except:-

(a) names of the girl students, who lodged complaints of sexual harassment against the petitioner,

(b) copy of the report of the Internal Complaint Committee on Sexual Harassment of Women at Work Place. The petitioner as well as the SPIO clarified that it is a report dated 4.2.16. And

(c) rules/criteria to appoint Independent Inquiry Officer and name of the authority who appoint such Independent Inquiry Officer.

7. The petitioner submitted that it is necessary for him to know the names of the girl students who lodged the complaint against him so that he can defend himself in the DP case initiated against him. To this the SPIO submitted that the names of the girl students could not be furnished for safety and security reasons, since the appellant and the girl students are living in the same campus.

8. This Commission is of the view that the petitioner/appellant has a right to know the names of the complainants in defend himself not only in the DP case against him, but also to defend and protect his reputation, which is his fundamental right.

9. Similarly, the petitioner has the right to have access to the report dated 4.2.16 of the Internal complaint committee on Sexual Harassment on Women at Work Place of IHM, Guwahati.

10. This Commission, therefore, directs the SPIO of IHM, Guwahati to furnish the above information i.e. 6 (a), (b) and (c) to the petitioner within 7 days from the

date of receipt of this order. If, however, the principal of the IHM, Guwahati is not inclined to disclose the names of the complainant girl students u/s 8 (1) (g) and (h) of the RTI Act, 2005, he may file written submission with justifications within 7 days from the date of receipt of this order.

With the above order, the second appeal petition dated 16.5.16 is disposed of.

Sd/-  
(H. S. Das)  
Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-  
Registrar  
Assam Information Commission

Memo No. SIC/KP(M)334 /2016/31-A

Dtd. 08.9.2016

Copy to:

1. The Administrative Officer & SPIO of Institute of Hotel Management, Guwahati, Hengrabari, Borbari, Guwahati-36 for information and necessary action.
2. Shri Anil Kumar Koriya, Qrt. No. 3 Type-4, Institute of Hotel Management, VIP Raod, Hengrabari, Borbari, Guwahati-36 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar  
Assam Information Commission